

# IMPORTANT TRIFLES. 1188.

Chiefly designed for the Entertainment and Instruction of Youth; which, in a pleasing Variety, and by an Assemblage of interesting Histories, Tales, &c. of admired Authors, are calculated to attract their Attention, either towards contemplating the Beauties and Defor-  
mities of peculiar Virtues and Vices, or, towards such subjects and Events, which at particular Periods of Time may become Topics for Conversation.

## THE BRITISH CONSTITUTION.



SUCH is the STRUCTURE of the BRITISH CONSTITUTION, that take but any one of the PILLARS away, and the whole FABRICK must inevitably tumble.

Vide Page 26.

EMBELLISHED WITH A CUT.

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### SUBJECT II.

Of the  
BRITISH  
Constitution.

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tem of the  
Beauties and  
Benefits of  
the British  
Constitution  
In 5 sections

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three Estates  
in Parlia-  
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With Mar-  
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idations, Re-  
ferences,  
and Observa-  
tions.

## GENERAL DESIGN.

**THE** design in the publication of these **TRIFLES**, is in one point of view, to attract the attention of youth towards that subject or event, which at any particular period of time may become a topic for conversation, and, towards contemplating the beauties and deformities of peculiar virtues and vices, which occasionally may, in any laudable or reproachful mode, introduce themselves into the general theatre of human actions; to furnish extracts from various authors, that may tend to assist the inquisitive mind, if inclined to join in an investigation, or enquiry, into such subject or event; or, towards contemplating any peculiar virtuous or vicious action which may excite observation or discussion; and, to hold up, as it were in a mirror, the objects mentioned, whether deserving of esteem, of pity, of detestation, or of resentment.

**VARIETY** is another principal point of view, in the publication of these **TRIFLES**, for the accomplishment of which purpose the different subjects contained therein, will consist of selections, either from history, poetry, short sentences, the sentiments of ancient philosophers, and of modern authors, fables, tales, novels, allegories, visions, essays, remarks, observations, anecdotes, songs, epigrams, bon mots, &c. &c. which may be applicable to the subject treated on.

The third point in view in the publication of these **TRIFLES** is, that under the pleasing assemblage of entertaining histories or descriptions, one or more of which, will be introduced in each publication, a more general collection of elegant and useful literature, and by the most esteemed authors, will be opened to those, particularly youth, who, from the expence which attends the purchasing of different volumes, have been kept back from the enjoyment of, and from a knowledge of the excellencies and beauties of English Literature, and who, instead thereof, have been happy in the accumulation of literary trash.

Finally, Several of these **TRIFLES** being bound together, of which twelve different subjects will make a moderate size volume, will thus form as an agreeable miscellaneous, and even useful body of literature, as is to be met with in any of the compilations hitherto published.

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### *OBSERVATIONS and REMARKS, on the manner in which these TRIFLES are intended to be printed and published.*

**THESE TRIFLES**, as before observed in the general design, will consist of a miscellaneous selection of literature, and, are intended in the course of their publication to be adapted to one temporary subject, circumstance, or event, which will be observed in each **TRIFLE**; but, which nevertheless may, at the option of the reader, be adapted to a more general nature, and for which latter purpose, not only a general head line title will be given throughout, but also a head-line title to each distinct piece, both of which will be paged separately.

In order therefore to adapt them to the general nature proposed, in the first instance, the uppermost paging may either be cut off or remain on, and the several subjects be arranged alphabetically, agreeable to which they may be distinguished on the uppermost, or general head line, and to which titles will be adapted.

In the second instance, the various pieces may be separately arranged at the entire pleasure of the reader, for which purpose, each piece will be so printed as to be capable of being separated, and when so separated, and intended to be bound or sewed together, to be cut close underneath the general head line on each page, with which every part throughout will correspond; and any reader by ingeniously paging them in the centre after they may be so cut, in progressive order, and on a line with the page on each separate piece, may unquestionably claim the merit of being the **EDITOR** of such selection; and, further to encourage such literary emulation, title-pages to correspond with collections formed therefrom, whether of Miscellanies, Poems, Songs, Histories, Tales, Allegories, Dreams, Visions, &c. will be adapted to the diminished size, with a blank space for the name of any one who may wish to claim the literary approbation of their friends and acquaintance for their arrangement and choice of subjects.

Notwithstanding the small size to which the different pieces will be reduced after their being cut, any two volumes, or more, composed therefrom, will contain as much as any two or greater number of volumes, which from prior collections, they, too generally abounding in subjects, which may be found in every collection that is to be met with; on which latter account any number of volumes formed from these **TRIFLES**, whether under their general title, or under such which may be adapted in the additional ones intended to be given, will be infinitely cheaper than an equal number of pages of any general collection.

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## OF SUBJECT II.

### OF THE IMPORTANT TRIFLES.

THE second subject made choice of for the **IMPORTANT TRIFLES**, is that admired one, the **BRITISH CONSTITUTION**; which in all times has been the *pride* of **ENGLISH MEN**, and the *envy* of surrounding **NATIONS**; but which at this period, is in such unexampled estimation, as to be extolled as the beautiful model for re-organizing Kingdoms, particularly that one, which is at this moment panting to participate of its like inestimable blessings.

A subject so brilliant cannot but at all times be highly acceptable, especially to the **BRITISH YOUTH**; but the more so, when the beauties and blessings derived from it are clearly demonstrated in so short a compass, and in such a pleasing and easy manner, as to be comprehended and retained by the meanest capacity.



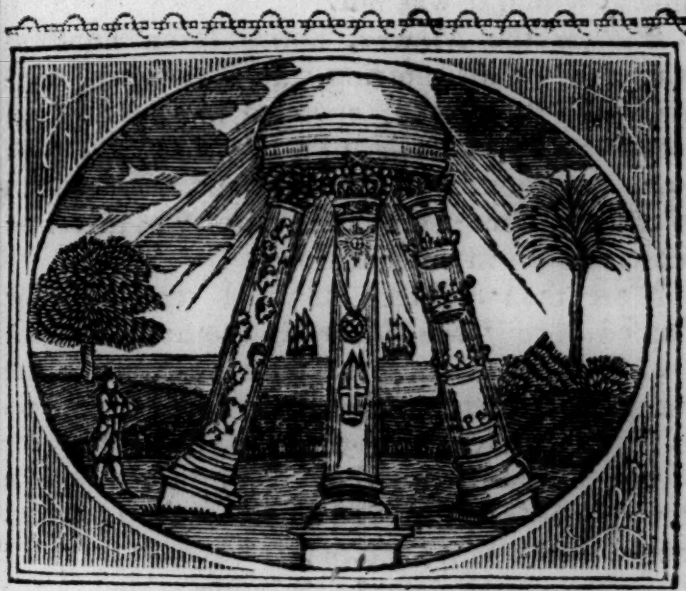
\* \* \* The proper names of persons and places, and such particular circumstances and events, &c. which will be made choice of for elucidation and additional information, in the course of the work, will be distinguished by Italics in the body of the different pages, to which the marginal references will in a similar manner correspond, instead of making use of asterisks, &c.

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On the BRIT. CONST.] IMPORTANT TRIFLES.

A SHORT SYSTEM  
OF THE  
BEAUTIES AND BENEFITS  
OF THE  
BRITANNIC CONSTITUTION.



**B**EFORE I give you the epitome, or picture in miniature, of the incomparable beauties of the Britannic Constitution, it may be requisite to premise a few matters.

Travellers, when they survey a grand *Egyptian Pyramid*, are apt to enquire by whom the stupendous pile was erected, and how long it hath stood the assaults of time. But when nothing of this can be developed, imagination runs back through antiquity without bounds, and thence contemplates an object, with peculiar veneration, that appears, as it were, to have had no beginning. Such

( 1 )

From wh.  
selected, &c.

British Moral-  
alist.

Author of  
the original,  
Mr. Brooke.

\* \* \*

For an elucidation of the annexed print, see the marginal reference in page 26 of this System.

*Egyptian  
Pyramids:*  
Some of  
them are  
said to have  
been erected  
before the  
flood.

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( 2 )

From wh.  
selected, &c.

A SHORT SYST. &c. of the BRIT. CONSTIT.

As in p. 1,  
of this Syft.

\* \* \*

*William the  
Norman:*  
He began  
his reign in  
the year  
1066.

*Jul. Cæsar's  
Commentaries*  
They were  
first printed  
at Rome in  
the year  
1469.

*Cæsar:*  
He invaded  
Britain 55  
years before  
Christ.

*Law:*  
This law was  
abolished in  
the reign of  
Ch. I.

Such a structure is the Constitution of Great-Britain. No records discover when it had commencement; neither can any annals specify the time at which it was not.

*William the Norman*, above seven hundred years ago, on his entering into the original contract with the people, engaged to govern them according to the *bonæ et approbatæ antiquæ regni leges*, the good, well approved and ancient laws of the kingdom; this Constitution was therefore ancient, even in ancient times.

More than eighteen hundred years are now elapsed since *Julius Cæsar*, in the sixth book of his *Commentaries*, bore testimony as well to the antiquity as excellency of the system of the laws of Britain. He tells us that the venerable order of the Druids, who then administered justice throughout Gaul, derived their system of government from Britain; and that it was customary for those, who were desirous of being versed in the said ancient institutions, to go over to Britain for that purpose.

*Cæsar* seems to recommend, while he specifies one of the laws that was in *his time*, peculiar to the Constitution of Britain. He tells you, that if a woman was suspected of the death of her husband, she was questioned thereupon with severity by her neighbours; and that, if she was found guilty, she was tied alive to a stake, and burned to death. A *law* used in Britain, "By a jury of neighbours," until a very late period.

It is hence very obvious, that our Gothic  
ancestors

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From wh.  
selected, &c.As in p. 1,  
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\* \* \*

ancestors either adopted what they judged excellent in the British Constitution, or rather superadded what was deemed to be excellent in their own.

The people who went under the general name of *Goths*, were of many different nations, who from the northern poured down on the more southern parts of Europe.

Their kings were, originally, chiefs or generals, appointed to lead voluntaries, armies, or colonies, for the forming of new settlements in foreign lands; and they were followed by a free and independent multitude, who had previously stipulated that they should share and enjoy the possessions which their valour should conquer.

Next to the general, in order, the officers or principal men of the army were attended on such expeditions, by their kinsfolk, friends, and dependents, who chose to attach themselves to their persons and fortunes respectively; and such attachments gave these officers great power and consideration.

On their conquest or seizure of any track or country, a certain portion thereof was allotted to the general, for the maintenance of his person and household. The general then divided the remainder among his officers, to hold of him, in fief, at the certain service of so many horse or foot, well armed or provided, &c. and proportioned to the value and extent of the land assigned. And the said officers again parcelled out the greatest part of the said possessions among their

*Goths :*

They invaded the  
Romans in  
the year  
250.



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selected, &c.

As in p. 3,  
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\* \* \*

A SHORT SYST. &c. of the BRIT. CONSTIT.

their respective followers, to hold of themselves, in like manner and service as they held of their general.

On the conquest of a country, they seldom chose to exterminate the natives or old inhabitants, but allotted to them also separate remnants of the land, and admitted them to the common and equal participation of such laws or usages as they brought from their own country, or chose to adopt.

Independent of the military services above reserved, the prince or chief further reserved the civil service or personal attendance of his feudatory officers, at certain times and for certain terms, at his general or national court. This court was composed of three estates, the prince, the nobles, and such of the priesthood, whether Pagan or Christian, as held in fief from the prince; and from this national council our parliament took its origin.

The *feudal* officers also, on their part, reserved the like service and personal attendance of their proper tenants and vassals, at their respective courts of judicature. And forasmuch as in such courts, no civil or criminal sentence could take place, till the voice of the judge was affirmed by the court, which consisted of such as were peers or equals to the party accused.—From thence we derive our free, ancient, and sacred institution of *juries*.

If we look back upon one of those fief or feudal kings, seated high on his throne, and encircled

*Feudal Syst.*  
Was introduced into  
England in  
1070.

*Juries:*  
Were established in  
Eng. in 979.

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selected, &c.As in p. 1,  
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encircled with all the ensigns of royalty; when we find him intitled the sole proprietor of all the lands within his dominions; when we hear his subjects acknowledge, that he alone is the fountain from whence are derived all possessions, rights, titles, distinctions, and dignities; when we see his most potent prefects and nobles, with lifted hands and bended knees, swearing fealty at his feet; who would not take him for an arbitrary and most absolute prince?

Such a judgment, however, would have been very premature. No prince could be more limited. He had not the licence of doing hurt to the person or property of the meanest vassal throughout his dominions. But, was he the less powerful, think you, for being less absolute? Quite the contrary. While he acted within the sphere of his compact with the people, he acted in all the persons and powers of the people. Though prescribed with respect to evil, the extent of his beneficence was wholly unconfined. He was not dreaded indeed, but on that account he was the more revered and beloved by his subjects. He was a part of themselves; the principal member of their body. In him they beheld with delight their own dignity and strength so gloriously represented; and, by being the proprietor of all their hearts, he became the master of all their hands.

Having now given you the rough and unformed rudiments of the Britannic Constitution,

I shall

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selected, &c.

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## A SHORT SYST. &c. of the BRIT. CONSTIT.

I shall next present you with my little model of the finished construction thereof, as it now stands.

### THE REGAL ESTATE.

The King, in the Constitution of Great-Britain, is more properly the king of, than the king over the people, united to them, one of them, and contained in them. At the same time that he is acknowledged the head of their body, he is their principal servant or minister, being the depositee of their executive power.

His claim to the throne is not a claim as of some matter of property, or personal right; he doth not claim but is claimed by the people, in their parliament; and he is claimed or called upon, not to the investiture of possessions, but the performance of duties. He is called upon to govern the people according to the laws by which they themselves have consented to be governed; to cause justice and mercy to be dispensed throughout the realm; and, to his utmost, to execute, protect, and maintain the laws of the gospel of God, and the rights and liberties of all the people without distinction.—This he swears on the gospel of God to perform.—And thus, as all others owe allegiance to the king, the king himself oweth allegiance to the Constitution.

The existence of a king, as one of the three estates, is immutable, indispensable, and indefeasible.



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From wh.  
selected, &c.

feasible. The Constitution cannot subsist without a king; but then, his personal claim of possession, and of hereditary succession to the throne, is, in several instances, precarious and defeasible. As in case of any natural incapacity to govern; or of an open avowal of principles incompatible with the Constitution; or in case of overt acts demonstrative of such principles; or of any attempts to sap or overthrow a fundamental part of that system which he was called in, constituted, and sworn to maintain.

Though the claim of all kings, to the throne of Great-Britain, is a limited and defeasible claim; yet, the world can afford no rival in power or glory, to a constitutional sovereign of these free dominions.

For the honour of their own body, they have invested this their head with all possible illustration. He concentrates the rays of many nations. They have clothed him in royal robes, circled his head with a *diadem*, and enthroned him on high; and they bow down before the mirror of their own majesty.

Neither are his the mere ensigns, or external shews of regency. He is invested also with powers much more real than if they were absolute.

There are three capital prerogatives with which the king is entrusted, which, at first sight, appear of fearful and dangerous tendency; and which must infallibly and quickly end in arbitrary dominion, if they were not counterpoised and counteracted.

His

As in p. 1,  
of this Syft.  
\* \* \*

*Diadem:*  
The first  
used in Eng.  
in 872.

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His principal prerogative is to make war or peace, as also treaties, leagues, and alliances with foreign potentates.

His second prerogative is to nominate and appoint all ministers and servants of state, all judges and administrators of justice, and all officers, civil or military, throughout these realms.

His third capital prerogative is that he should have the whole executive power of the government of these nations, by his said ministers and officers, both civil and military.

I might here also have added a fourth prerogative, which must have been capitally everfive of the Constitution, had it not been limited in the original trust, I mean a power of granting pardon to criminals. Had this power been unrestrained, all obligations to justice might be absolved at the king's pleasure. An evil king might even encourage the breach of law. He might, unquestionably, have dispensed with all illicit acts that were perpetrated by his own orders; and this assurance of pardon must, as unquestionably, have encouraged all his ministers and officers to execute his will as the only rule of their obedience.

But, God, and our glorious ancestors, be praised! he is restrained from protecting his best beloved ministers, when they have effected, or even imagined the damage of the Constitution. He is also limited in appeals brought by the subject, for murder or robbery. But, on indictments in his own name, for offences against his

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his proper person and government, such as rebellion, insurrection, riot, and breaches of the peace, by murder, maim, or robbery, &c. here he is at liberty to extend the arm of his mercy, so far as there are many cases so circumstanced, so admissible of pitying and palliating considerations, that summum jus, or strict justice, might prove summa injuria, or extreme injustice.

All pardonable offences are distinguished by the title of "*crimina læsæ majestatis*," sins against the king. All unpardonable offences are distinguished by the title of "*crimina læsæ libertatis*," sins against the Constitution. In the first case, the injury is presumed to extend no further than to one or a few individuals; in the second, it is charged as a sin against the public, against the collective body of the whole people. Of the latter kind, are nuisances that may endanger the lives of travellers on the highway; but, more capitally, any imagination, proved by overt-act or evil advice, tending to change the nature or form of any one of the three estates; or tending to vest the government, or the administration thereof, in any one or any two of the said estates, independent of the other; or tending to raise armies, or to continue them in time of peace, without the consent of parliament; or tending to give any foreign state an advantage over these realms, by sea or by land, &c.

The king hath also annexed to his dignity many further very important powers and prerogatives; though they do not so intimately interfere



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*Corporation :*

It is probably from this that all edicts issued by the king, are worded in the pl. num. as 'We having thought fit, &c.' or, if otherwise, as being de-nominated God's vice-gereut on earth, in the language of God, vide Gen. ch. 1. v. 26.

K. John was the first Br. king who used the pl. We in 1199.

## A SHORT SYST. &amp;c. of the BRIT. CONSTIT.

terfere with the Constitution as the capital prerogatives before recited.

He is first considered as the original proprietor of all the lands in these kingdoms; and he founds his claim, as well on the conquest by William the Norman as by the limited kings or leaders of our Gothic ancestors.

Hence it comes to pass that all lands, to which no subject can prove a title, are supposed to be in their original owner, and are therefore, by the Constitution, vested in the crown. On the same principle also, the king is intitled to the lands of all persons who die without heirs, as also to the possessions of all who are convicted of crimes subversive of the Constitution, or public weal.

His person, while he is king, or inclusive of the first estate, is constitutionally sacred, and exempted from all acts of violence or constraint. As one of the estates also, he is constituted a *Corporation*, and his teste-meipso, or written testimony, amounts to a matter of record. He also exercises, at present, the independent province of supplying members to the second estate by a new creation—a very large accession to his original powers. Bishops also, are now appointed and nominated by the king—another considerable addition to the royal prerogative. His is the sole prerogative to coin or impress money, and to specify, change, or determine the current value thereof; and for this purpose he is supposed to have reserved, from his original grants

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grants of land, a property in mines of gold and silver; which are therefore called royalties.

As he is one of the three constitutional estates, no action can lye against him in any court; neither can he be barred of his title, by length of time or entry. And these illustrations of his dignity, cast rays of answerable privileges on his royal comfort, heir apparent, and eldest daughter.

The king hath also some other inferior conditional powers, such as instituting *fairs* and *markets*; and of issuing patents for special or personal purposes, provided they shall not be found to infringe on the rights of others. He is also intrusted with the guardianship of the persons and possessions of idiots and lunatics without account.

I leave his majesty's prerogative of a negative voice in the legislature, as also his prerogative (or rather duty) frequently to call the two other estates to parliament, and duly to continue, prorogue, and dissolve the same, till I come to speak of the three estates, when in such parliament assembled.

Here then we find, that a king of Great-Britain is constitutionally invested with every power that can possibly be exerted in acts of beneficence. And that, while he continues to be constituted the most worthy, most mighty, and most glorious representative of Omnipotence upon earth.

In treating of the Second and Third Estate,  
I come

*Fairs, &c.*  
Were first  
instituted in  
England, a-  
bout the year  
886.

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From wh.  
selected, &c.

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## A SHORT SYST. &c. of the BRIT. CONSTIT.

I come naturally to consider what those restraints are, which, while they are preserved inviolate, have so happy a tendency to the mutual prosperity of prince and people.

### THE ARISTOCRATICAL, OR SECOND ESTATE.

The Nobility, or Second Estate, in the Constitution of Great-Britain, was originally representative. The members were ennobled by tenure, and not by writ or patent; and they were holden in service to the crown and kingdom, for the respective provinces, counties, or baronies, whose name they bore, and which they represented.

A title to be a member of this second estate, was from the beginning hereditary. The king could not, anciently, either create or defeat a title to nobility. Their titles were not forfeitable, save by the judgment of their peers upon legal trial; and, when any were so deprived, or happened to die without heirs, the succession was deemed too important to be otherwise filled than by the concurrence of the three estates, by the joint and solemn act of the parliament, or commune concilium regni.

These truths are attested by many ancient records and parliamentary acts. And, although this most highly ennobling custom was, at particular times, infringed by particular tyrants, it was inviolably adhered to by the best of our English



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English kings, and was observed even by the worst, excepting a few instances, till the reign of Henry VII. who wished to give consequence to the third estate, by deducting from the honours and powers of the second.

In truth, it is not to be wondered that any kings, who were ambitious of extending their own power, should wish to break and weaken that of the nobility, who had distinguished themselves by so many glorious stands for maintenance of liberty and the Constitution, more particularly during the reigns of John, Henry III. Edward II. and Richard II.

Till Henry VII. the nobles were looked upon as so many pillars, whereon the people rested their rights. Accordingly we find, that in the coalition or grand compact between John and the collective body of the nation, the king and people jointly agree to confide to the nobles the superintendence of the execution of the *great charter*, with authority to them and their successors to enforce the due performance of the covenants therein comprized.

What an illustrating distinction must it have been, when patriot-excellence alone (approved before the country, in the field or the council) could give a claim to nobility, and compel, as it were, the united estates of king, lords, and commons, to call a man up to the second seat in the government and steerage of the nation!

Such a preference must have proved an unremitting incitement to the cultivation and exercises

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From wh.  
selected, &c.

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*Gr. Charter:*  
Was signed  
at Runnymede, in the  
year 1215.

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selected, &c.

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cises of every virtue, and to such exertions, achievements, and acts of public beneficence, as should draw a man forth to so shining a point of light, and set him like a gem in the gold of the Constitution.

The crown did not at once assume the independent right of conferring nobility. Henry III. first omitted to call some of the barons to parliament who were personally obnoxious to him, and he issued his writs or written letters to some others who were not barons, but from whom he expected greater conformity to arbitrary measures. These writs, however, did not ennoble the party till he was admitted, by the second estate, to a seat in parliament; neither was such nobility, by writ, hereditary.

To supply these defects, the minister of Richard II. invented the method of ennobling by letters patent, at the king's pleasure, whether for years or for life, or in special or general tail, or in fee-simple to a man and his heirs at large. This prerogative, however, was thereafter, in many instances, declined and discontinued, more particularly by the constitutional king, Henry V. till meeting with no opposition from the other two estates, it has successively descended, from Henry VII. on nine crowned heads, through a prescription of near a century and an half.

Next to their king, the people have allowed to their peerage several privileges of the most uncommon and illustrious distinctions; their Christian names, and the names that descended to them

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them from their ancestors, are absorbed by the name from whence they take their title of honour, and by this they make their signature in all letters and deeds. Every temporal peer of the realm is deemed a *kinsman* to the crown. Their deposition on their honour is admitted in place of their oath, save where they personally present themselves as witnesses of facts, and saving their oaths of allegiance, supremacy, and abjuration. Their persons are at all times exempted from arrests, except in criminal cases. A defamation of their character is highly punishable, however true the fact may be and deserving of censure. During a session of parliament, all actions and suits at law against peers are suspended. In presentments or indictments by grand juries, and on impeachments by the house of commons, peers are to be tried by their peers alone; for in all criminal cases they are privileged from the jurisdiction of inferior courts, excepting on appeals for murder or robbery. Peers are also exempted from serving on inquests: and, in all civil causes, where a peer is plaintiff, there must be two or more knights impannelled on the jury.

The bishops, or spiritual lords, have privilege of parliament, but have not the above privileges of personal nobility. In all criminal cases, saving attainder and impeachment, they are to be tried by a petit-jury. Moreover, bishops do not vote, in the House of Lords, on the trial of any person for a capital crime.

All

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From wh.  
selected, &c.As in p. 1,  
of this Syst.

\* \* \*

*Kinsman:*  
Each peer is  
deemed as  
follows:

A Duke.  
Right trusty  
and right en-  
tirely belov-  
ed cousin.

A Marquis.  
Right trusty  
and entirely  
beloved cou-  
sin.

An Earl.  
Right trusty  
and right  
well beloved  
cousin.

A Viscount.  
Right trusty  
and well be-  
loved cousin.

A Baron.  
Right trusty  
and well be-  
loved.



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selected, &c.

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All the temporal and spiritual nobles that compose the house of lords, however different their titles and degrees of nobility, are called peers (pares) or equals; because their voices are admitted as of equal value, and that the vote of a bishop or baron shall be equivalent to that of an archbishop or duke.

The capital privilege (or rather prerogative) of the house of peers, consists in their being the supreme court of judicature, to whom the final decision of all civil causes is confided and referred to in the last resort.

This constitutional privilege is a weighty counterpoise to his majesty's second prerogative of appointing the administrators of justice throughout the nation; forasmuch as judges (who are immediately under the influence of the crown) are yet intimidated from infringing, by any sentence, on the laws or constitution of these realms, while a judgment so highly superior to their own, depends.

The second great privilege of the house of peers, consists in their having the sole judicature of all impeachments commenced and prosecuted by the commons: And this again is a very weighty counterpoise to his majesty's third prerogative of the executive government of these nations by his ministers, since no minister can be so great, as not justly to dread the coming under a judgment from which the mightiness of his royal master cannot protect him.

The third capital privilege of the House of Peers

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Peers, subsists in their share, or particular department of rights, in the legislature. This extends to the framing of any bills, at their pleasure, for the purposes of good government; saving always to the commons their incommunicable right of granting taxes or subsidies to be levied on their constituents. But on such bills, as on all others, the House of Lords have a negative; a happy counterpoise to the power both of king and commons, should demands on the one part, or bounties on the other, exceed what is requisite.

The change of the ancient modus, in conferring nobility, has not hitherto, as I trust, been of any considerable detriment to the weal of the people. But should some future majesty, or rather some future ministry, intitle men to a voice in the second estate, on any consideration, save that of eminent virtue and patriot service, might it not be possible that such ministers should take a further stride, and confer nobility for actions deserving of infamy? Should they even covenant to grant such honours and dignities, in lieu of services subversive of the Constitution, a majority of such a peerage must either prove too light to effect any public benefit, or heavy enough to effect the public perdition.

THE DEMOCRATICAL, OR  
THIRD ESTATE.

The election of Commoners, to be immediate trustees and apt representatives of the people in par-

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parliament, is the hereditary and indefeasible privilege of the people.

It is the privilege which they accepted and which they retain, in exchange of their originally-inherent and hereditary right of sitting with the king and peers, in person, for the guardianship of their own liberties and the institution of their own laws.

Such representatives, therefore, can never have it in their power to give, delegate, or extinguish the whole or any part of the people's inseparable and unextinguishable share in the legislative power, neither to impart the same to any one of the other estates, or to any person or persons whatever, either in or out of parliament. Where plenipotentiaries take upon them to abolish the authority of their principals, or where any secondary agents attempt to defeat the power of their primaries; such agents and plenipotentiaries defeat their own commission, and all the powers of the trust necessarily revert to the constituents.

The persons of these temporary trustees of the people, during their session, and for fourteen days before and after every meeting, adjournment, prorogation, and dissolution of parliament, are equally exempted, with the persons of peers, from arrest and dures of every sort.

They are also, during their session, to have ready access to the king, or house of lords, and to address or confer with them on all occasions.



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No member of the House of Commons, no more than of the house of peers, shall suffer, or be questioned, or compelled to witness or answer, in any court or place whatsoever, touching any thing said or done by himself or others in parliament; in order that perfect freedom of speech and action may leave nothing undone for the public weal.

They have also (during session) an equal power with the house of lords, to punish any who shall presume to traduce their dignity, or detract from the rights or privileges of any member of their house.

The Commons form a court of judicature, distinct from the judicature of the house of lords. Theirs is the peculiar privilege to try and adjudge the legality of the election of their own members. They may fine and confine their own members as well as others, for delinquency or offence against the honour of their house. But, in all matters of judicature, they are merely a court of inquisition and presentment, and not a tribunal of definitive judgment.

In this respect, however, they are extremely formidable. They constitute the grand inquest of the nation; for which great and good purpose they are supposed to be perfectly qualified by a personal knowledge of what hath been transacted, throughout the several shires, cities, and boroughs, from whence they assemble, and which they represent.

Over and above their enquiry into all public grievances,

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grievances, wicked ministers, transgressing magistrates, corrupt judges, and justiciaries, who sell, deny, or delay justice; evil counsellors of the crown, who attempt or devise the subversion or alteration of any part of the Constitution; with all such overgrown malefactors as are deemed above the reach of inferior courts, come under the particular cognizance of the Commons, to be by them impeached, and presented for trial at the bar of the house of lords. And these inquisitory and judicial powers of the two houses, from which no man under the crown can be exempted, are deemed a sufficient allay and counterpoise to the whole executive power of the king, by his ministers.

The legislative department of the power of the Commons is in all respects co-equal with that of the peers. They frame any bills at pleasure for the purposes of good government.— They exercise a right, as the lords also do, to propose and bring in bills for the amendment or repeal of old laws, as well as for the ordaining or institution of new ones. And each house alike hath a negative on all bills that are framed and passed by the other.

But the capital, the incommunicable privilege of the House of Commons, arises from that holy trust which their constituents repose in them; whereby they are empowered to borrow from the people a small portion of their property, in order to restore it three-fold, in the advantages of peace, equal government, and the

encou-

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encouragement of trade, industry, and the manufactures.

To impart any of this trust, would be a breach of the constitution; and even to abuse it, would be a felonious breach of common honesty.

By this fundamental trust and incommunicable privilege, the Commons have the sole power over the money of the people; to grant or deny aids, according as they shall judge them either requisite, or unnecessary to the public service. Theirs is the province, and theirs alone, to enquire and judge of the several occasions for which such aids may be required, and to measure and appropriate the same to their respective uses. Theirs, also, is the sole province of framing all bills or laws for the imposing of any taxes, and of appointing the means for levying the same upon the people. Neither may the first or second estate, either king or peerage, propound or do any thing relating to these matters, that may any way interfere with the proceedings of the Commons; save in their negative or assent to such bills, when presented to them, without addition, deduction, or alteration of any kind.

After such aids and taxes have been levied and disposed of, the Commons have the further right of enquiring and examining into the application of the said aids; of ordering all accounts relative thereto to be laid before them; and

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and of censuring the abuse or misapplication thereof.

The royal assent to all other bills is expressed by the terms, *Le Roy le veut*, The King wills it. But when the Commons present their bills of aid to his majesty, it is answered, *Le Roy remercie ses loyal sujets, et ainsi levent*, The King thanks his loyal subjects, and so willeth: —an express acknowledgment that the right of granting or levying monies for public purposes, lyes solely, inherently, and incommunicably, in the people and their representatives.

This capital privilege of the Commons constitutes the grand counterpoise to the king's principal prerogative of making peace or war; for how impotent must a warlike enterprize prove without money, which makes the sinews thereof! And thus the people, and their representatives, still retain in their hands the grand momentum of the constitution, and of all human affairs.

Distinguished representatives! happy people! Immutably happy, while worthily represented!

As the fathers of the several families throughout the kingdom nearly and tenderly comprize and represent the persons, cares, and concerns of their respective households, so these adopted fathers immediately represent, and intimately concentrate, the persons and concerns of their respective constituents, and in them the collective body or sum of the nation. And while these fathers continue true to their adopting children,

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children, a single stone cannot lapse from the great fabric of the Constitution.

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THE THREE ESTATES IN  
PARLIAMENT.

With the King, Lords, and Commons, in Parliament assembled, the people have deposited their legislative, or absolute power, in trust for their whole body; the said king, lords, and commons, when so assembled, being the great representative of the whole nation, as if all the people were then convened in one general assembly.

As the institution, repeal, and amendment of laws, together with the redress of public grievances and offences, are not within the capacity of any of the three estates, distinct from the others, the frequent holding of parliaments is the vital food, without which the Constitution cannot subsist.

The three estates originally, when assembled in parliament, sat together consulting in the open field. Accordingly, at Runnymede, above *five hundred years ago*, King John passed the great charter (as therein is expressed) by the advice of the lords spiritual and temporal, by the advice of several commoners (by name recited) *et aliorum fidelium*, and of others his faithful people. And in the twenty-first clause of the said charter, he covenants that, " For having the common council of the kingdom to assess  
aids,

*viz.* in the  
year 1215.

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*Apart, &c.*  
The epoch  
of the House  
of Com. is  
1265.  
The Lords  
and Com-  
mons ex-  
pressly men-  
tioned in  
1337.

## A SHORT SYST. &amp;c. of the BRIT. CONSTIT.

aids, he will cause the lords spiritual and temporal to be summoned by his writs; and moreover that he will cause the principal commoners, or those who held from him in chief, to be generally summoned to said parliaments, by his sheriffs and bailiffs."

In the said assemblies, however, the concourse became so great and disorderly, and the contest frequently so high between the several estates, in assertion of their respective prerogatives and privileges, that they judged it more expedient to sit *apart*, and *separately* to exercise the offices of their respective departments.

As there is no man or set of men, no class or corporation, no village or city, throughout the kingdom, that is not virtually represented by the delegates in parliament, this great body politic or representative of the nation consists, like the body natural, of a head and several members, which, being endowed with different offices, are yet connected by one main and common interest, and actuated by one life or spirit of public reason, called the Laws.

In all steps of national import, the king is to be conducted by the direction of the parliament, his great national council; a council on whom it is equally incumbent to consult for the king with whom they are delegated, and whom they represent. Thus the king is constitutionally to be guided by the sense of his parliament; and the parliament alike is constitutionally to be guided by the general sense of the people. The



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two estates in parliament are the constituents of the king, and the people, mediately or immediately, are constituents of the two estates in parliament.

Now, while the three estates act distinctly, within their respective departments, they affect and are reciprocally affected by each other. This action and re-action produces that general and systematic controul which, like conscience, pervades and superintends the whole, checking and prohibiting evil from every part of the Constitution. And from this confinement of every part to the rule of right reason, the great law of liberty to all ariseth.

For instance, the king has the sole prerogative of making war, &c. But then the means are in the hands of the people and their representatives.

Again, to the king is committed the whole executive power. But then the ministers of that power are accountable to a tribunal, from which a criminal has no appeal or deliverance to look for.

Again, to the king is committed the cognizance of all causes. But should his judges or justiciaries pervert the rule of righteousness, an inquisition, impeachment, and trial impends, from whose judgment the judges cannot be exempted.

Again, the king hath a negative upon all bills, whereby his own prerogatives are guarded from invasion. But should he refuse the royal assent

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assent to bills tending to the general good of the subject, the commons can also withhold their bills of assessment, or annex the rejected bills to their bill of aids; and they never failed to pass in such agreeable company.

Lastly, to the king is committed the right of calling the two estates to parliament. But, should he refuse so to call them, such a refusal would be deemed an abdication of the Constitution; and no one need be told, that an abdication of the Constitution is an abdication of the throne.

Thus, while the king acts in concert with the parliament and his people, he is limitless, irresistible, omnipotent upon earth; he is the free wielder of all the powers of a free and noble people; a king throned over all the kings of the children of men. But should he attempt to break bounds, should he cast for independence; he finds himself hedged in and straitened on every side; he finds himself abandoned by all his powers, and justly left to a state of utter impotence and inaction.

Hence is imputed to the sovereign head, in the Constitution of Great-Britain, the high and divine attribute—the king can do no wrong; for he is so circumscribed from the possibility of transgression, that no wrong can be permitted to any king in the Constitution.

While the king is thus controuled by the lords and the commons; while the lords are thus controuled by the commons and the king;

and

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of this Syst.  
is taken.

and while the commons are thus controuled by the other two estates, from attempting any thing to the prejudice of the general welfare; the three estates may be aptly compared to an ancient Temple, supported by Three Pillars, divided below at equidistant angles, but uniting at and supporting the top, merely by the bearing of each pillar against the other.

Such is the structure of the British Constitution, take but any one of the pillars away, and the whole fabric must inevitably tumble: But while all act on each other, all are equally counteracted, and thereby affirm and establish the general frame.

How deplorable then would it be, should this elaborate structure of our happy constitution, within the short period of a thousand years hence, possibly in half the time, fall a prey to effeminacy, pusillanimity, venality and seduction! like some ancient oak, the lord of the forest, to a pack of vile worms that lay gnawing at the root; or, like Egypt, be contemptibly destroyed by lice and locusts.

Should the morals of our constituents ever come to be debauched, consent, the salt of Liberty, would then be corrupted; and no salt might be found wherewith it could be seasoned. Those who are inwardly the servants of sin, must be outwardly the servants of influence. Each man would then be as the Trojan horse of old, and carry the enemies of his country within his bosom. Our own appetites would then induce

us



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us to betray our own interests; and state policy would seize us a willing sacrifice to our own perdition.

Should it ever come to pass, that corruption, like a dark and low-hung mist, should spread from man to man, and cover these lands: Should a general dissolution of manners prevail: Should vice be countenanced and communicated by the leaders of fashion: Should it come to be propagated by ministers among legislators, and by the legislators among their constituents.—Should guilt lift up its head without fear of reproach, and avow itself in the face of the sun, and laugh virtue out of countenance by force of numbers; should public duty turn public strumpet; should shops come to be advertised, where men may dispose of their honour and honesty at so much per ell; should public markets be opened for the purchase of consciences, with an oyes! We bid most to those who set themselves, their trusts, and their country to sale! If such a day, I say, should arrive, it will be a doomsday indeed, to the virtue, the liberty, and constitution of these kingdoms. It would be the same to Great Britain as it would happen to the universe; should the laws of cohesion cease to operate, and all the parts be dissipated, whose orderly connection now forms the beauty and commonwealth of nature. Want of sanity in the materials can never be supplied by any art in the building. A constitution of public freemen can never subsist of private prostitutes.

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